

*Railway Act*

purchase of it. I am genuinely of the conviction that the change in schedule to twice-a-week service was made on the basis of the railway wanting to discharge its obligation in terms of exercising care for the safety of its passengers and employees. As a matter of fact, I suggest that this bill is completely out of order and without point.

**Mr. Harold E. Winch (Vancouver East):** I am grateful to you, Mr. Speaker, for having drawn to the attention of hon. members of the house the principle of the bill we are discussing. It deals solely with a provision for the board of transport commissioners to not only have power to hear representations on curtailment of service but power to deal with the same. The hon. member for Vancouver South (Mr. Broome) made a point of the fact that in the terminology of the bill now before us the word "may" and not "shall" is used. I am certain that hon. members will readily understand the reason for this. This bill proposes an amendment to the Railway Act which applies to all railways in Canada. There are a number of railways in this country that are publicly owned rather than privately owned and one notable example is the Canadian National Railways which could be loosely described as a crown company responsible to and financed by the people of Canada through the medium of the House of Commons and the other place. It is completely beyond the power of a private member to move an amendment to a bill affecting a crown company involving the expenditure of public moneys. I am sure the hon. member for Vancouver South now appreciates why the word "may" is used in this bill.

**Mr. Broome:** Would the hon. gentleman permit a question? Does the hon. member believe that I was trying to suggest that the bill should contain the word "shall"? That was not my point at all. I was merely suggesting—

**The Acting Speaker (Mr. Rea):** Order. The hon. member may ask a question but he must not anticipate the committee.

**Mr. Winch:** Mr. Speaker, the hon. gentleman raised that point and I thought he should be answered. I listened with a great deal of interest to the comments that have been made on this bill and in particular the statements made by the Minister of Transport (Mr. Hees) concerning reasons why curtailment of service in British Columbia should not be considered. The principle of this bill concerns all of Canada in relation to our transportation system. Under section 168 of the existing act it is clear that the board of transport commissioners has the authority to

[Mr. Broome.]

hold official hearings on the abandonment of lines and the power to make decisions concerning their abandonment.

It is obvious from what has been said that it is in the minds of some hon. members who have spoken—and I think I am correct in saying also in the mind of the Minister of Transport—that the board of transport commissioners has authority to hold official hearings and to make decisions concerning the curtailment of service. The present bill was introduced by the hon. member for Kootenay West following conversations and his being in receipt of legal advice and a letter which he received from the board of transport commissioners to the effect that it has no power to hold official hearings or make decisions concerning curtailment of service.

I suggest through you, Mr. Speaker, that those who are interested in this matter and have spoken on it this afternoon make official inquiries through the legal officers of the board of transport commissioners as to whether or not it has the power which they have affirmed it holds. Our information, both verbally and in writing, from the board of transport commissioners is entirely different. I am informed that the Minister of Transport has no power whatsoever over the board or on appeal as regards the curtailment of railway services. I think I have said enough to indicate, with all the authorities that the member for Kootenay West (Mr. Herdridge) has given you, why in Ontario on two railway lines and in British Columbia it is necessary to have the act amended.

I was quite surprised when the Minister of Transport informed us that there was an understanding between the attorney general of British Columbia and the Canadian Pacific railway relative to a curtailment of service on the Kettle valley railroad because of certain bombings on the railway line itself. That is not a sufficient reason for a curtailment of service. If there is violence on any line, be it a railroad or any other system of transportation or communication, that is a matter for the police forces of the province and of the nation to correct; it is not a ground for the curtailment of railroad service.

The Minister of Transport, and I particularly add the statement of the hon. member for Vancouver South (Mr. Broome), said that the curtailment was for the protection of the life of the employees on the railroad and that trains could be run only in daylight. If that is so, then could we be given an explanation as to why the freight trains still operate at night, because surely the engineer, the firemen and the brakemen on